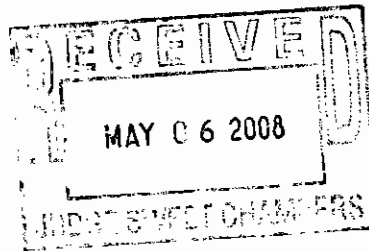


HellerEhrman_{LLP}

May 5, 2008

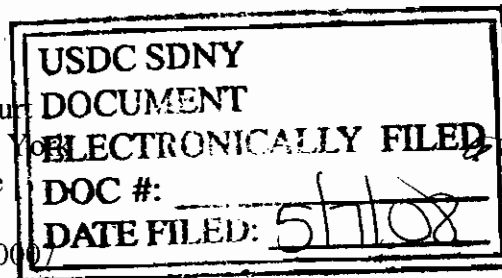
By Hand



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Hon. Robert W. Sweet
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007



*Argument 5/21,
Government granted
So ordered
Sweet
USDJ
5.6.08*

Re: Royce v. Wheeler, et al., Case No. 07-CV-10968 (RWS) (FM).

Dear Judge Sweet:

We represent Defendants Thomas R. Wheeler, Lisa W. Huzella, Michaelon A. Wright, 43 W. 64th Street LLC, and the Wheeler Family Foundation ("Defendants") in connection with the above-captioned action. Pursuant to a stipulation which this court "so-ordered" on April 16, 2008, the reply brief in support of Defendants' motion to dismiss for lack of jurisdiction is currently due on May 9, 2008, and argument on the motion is set for May 14, 2008 at noon. We write today to request a one-week adjournment of both the reply brief deadline and argument date because of jury duty.

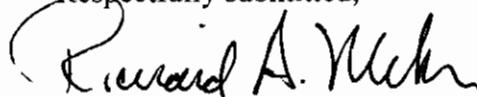
My colleague, Patryk Chudy, with whom I have been working closely in this matter, has been selected to serve as a juror in the U.S. District Court for the District of New Jersey during that time period. Mr. Chudy was "on call" for jury duty during the two-week period of April 21, 2008 through May 2, 2008. On Thursday, May 1, 2008, Mr. Chudy was selected to sit as a juror in a one-and-a-half week civil case scheduled to begin on May 4, 2008, and set to conclude on May 14 or 15. Mr. Chudy requested to be excused in light of the previously scheduled deadlines and appearances before this Court in the above-captioned matter. However, the presiding judge, The Honorable Peter G. Sheridan, declined to excuse Mr. Chudy, but indicated that he would be happy to speak with Your Honor about the scheduling conflict so that Mr. Chudy can perform his civic duties, and indicated this morning that he would likely do so this afternoon.

In light of this scheduling conflict, Defendants respectfully request that the deadline for our reply brief be extended to May 16, 2008, and that argument be reset for a date during the week of May 19, 2008, or later that is convenient to the Court and Plaintiff's counsel. We have conferred with counsel for Plaintiff with respect to this request, who has no objection to it, but needed to consult his calendar regarding a date for argument. I agreed that I would send the Court a further letter requesting a date or dates for argument that would be satisfactory to us both.

HellerEhrman^{LLP}

The Honorable Robert W. Sweet
May 5, 2008
Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard A. Martin". The signature is fluid and cursive, with a large initial "R" and "M".

Richard A. Martin

Enclosure

cc: Charles Berry, Esq.